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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,028	09/17/2003	Soo-hong Park	Q76745	2599

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EXAMINER

KEEFER, MICHAEL E

ART UNIT PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/664,028

Applicant(s)

PARK, SOO-HONG

Examiner

Michael E. Keefer

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Application filed 9/17/2003.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. Claims 1 and 4-5 are objected to because of the following informalities:

Regarding **claim 1**, it is suggested that the word --the-- be inserted between the words "of" and "devices" in line 3 to improve the clarity of the claim.

Regarding **claim 4**, it is suggested that the word --the-- be inserted at the beginning of line 9 to improve the clarity of the claim.

Regarding **claim 5**, it is suggested that the word "the" between "in" and "upper" in line 2 be deleted and replaced with the word --an-- to improve the clarity of the claim.

Appropriate correction is required.

Double Patenting

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

5. Claims 1-2 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-2 of copending Application No. 10/746234. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

6. Claims 4-5 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 6-7 of copending Application No. 10/746234. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claim 1**, which is directed to a method of identifying devices comprising the step of identifying. In order for the subject matter of a claim to be statutory it must have a useful, concrete and tangible result. In this case the result is useful and concrete but is not tangible. The mere act of identifying has no "real world" result that is either displayed to a user or stored in a memory for use.

Claims 2-3, which depend from claim 1, do not add a tangible result to the method and thus are rejected for the same.

Regarding **claim 4**, the "computer readable recording medium," in accordance with Applicant's specification, may be carrier waves (pg. 20, [74], line 7). This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

In addition, **claim 4** is directed solely to a data structure to hold information. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes functional descriptive material. Functional descriptive material does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Furthermore, **claim 4** fails to produce a tangible result. In order to be statutory a claim must be directed to subject matter that produces a useful, concrete and tangible

result. The data structure claimed does not produce any result, but merely holds information.

Claim 5, which is dependent from claim 4, fails to remedy any of the deficiencies of claim 4 and thus is rejected for the same.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinden et al. (RFC 2373, "IP Version 6 Addressing Architecture"), hereafter Hinden, and Lee et al. ("A New Control Protocol for Home Appliances - LnCP"), hereafter Lee.

Regarding **claims 1-3**, Hinden discloses an interface ID having a company ID area and serial number area having an EUI-64 ID format according to an IPv6 address system and using the serial number to identify the device. See page 19, the first figure and page 21, first and second paragraphs which state that a serial number may be used as an extension identifier (i.e. a serial number area).

Hinden discloses all the limitations of claims 1-3 except for a device ID area recorded in the interface ID in an area excluding the serial number and company ID

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area and that the device ID is between the company ID area and the serial number area.

The general concept of a device ID area being concatenated with a serial number area is well known in the art as taught by Lee. (Page 288, Col 2, section 5.1 designates a product code area to address types of devices. note Figure 5, which teaches putting the device ID before the address range used to uniquely identify types of devices (i.e. the serial number area.)) In addition, using the device identification scheme proposed by Figure 5 as the selected extension identifier the Product code will fall on the fourth upper byte of the interface ID.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the addressing format of Hinden with the general concept of a device ID area being concatenated with a serial number area as taught by Lee in order to be able to quickly route packets based off of the type of device.

Regarding **claims 4-5**, Hinden discloses:

a network ID area for identifying a network to which a device belongs and
an interface ID area for identifying the address of the device in the
identified network, (See Page 8, the first figure defines a network area and an
interface ID area)

wherein the interface ID area comprises:

a company ID area for identifying the manufacturer of the device;

a serial number area for identifying a serial number of the device (see page 19, figure 1, the 'c' area is the company area, the 'm' area is the serial number area)

Hinden discloses all the limitations of claims 4-5 except for a device ID area placed between the company and serial number areas.

The general concept of a device ID area being concatenated with a serial number area is well known in the art as taught by Lee. (Page 288, Col 2, section 5.1 designates a product code area to address types of devices. note Figure 5, which teaches putting the device ID before the address range used to uniquely identify types of devices (i.e. the serial number area.)) In addition, using the device identification scheme proposed by Figure 5 as the selected extension identifier the Product code will fall on the fourth upper byte of the interface ID.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the addressing format of Hinden with the general concept of a device ID area being concatenated with a serial number area as taught by Lee in order to be able to quickly route packets based off of the type of device.

Conclusion

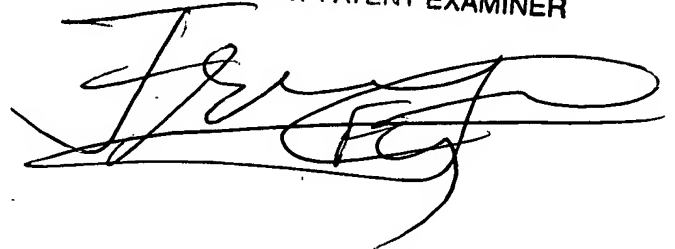
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday-Thursday 8am-5pm, second Fridays 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on (571) 270-1808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 3/7/2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'Frantz Jules', written over a horizontal line.